



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.	10/791,159
Filing Date	March 1, 2004
Inventor	Randy D. Sines
Group Art Unit	3711
Examiner	Raleigh W. Chiu
Attorney Docket No.	FL12-057
Drop Zone Gaming Machine With Varying Symbol Scoring Zones and Automatic Bias Prevention	

**PETITION TO ACCEPT UNINTENTIONALLY
DELAYED BENEFIT CLAIM UNDER 35 U.S.C. 120**

To: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: Randy A. Gregory
Gregory I.P. Law
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This is a Petition to the Commissioner of Patents to Accept Unintentionally Delayed Benefit Claim Under 35 U.S.C. 120. This Petition includes: (1) The reference required by 35 USC 120; (2) The surcharge set forth in § 1.17 (t); and (3) A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of § 1.78 and the date of the claim was filed was unintentional.

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1. REFERENCE REQUIRED BY 35 USC 120

To be added as a first sentence to the specification following the title as a separate paragraph as follows:

"REFERENCE TO RELATED APPLICATIONS

This application is a continuation-in-part of prior U.S. patent application Serial Number 10/704,525 filed November 4, 2003, now Pat. No. 6,896,259; which is a continuation of application Serial Number 10/198,431, filed on July 16, 2002, now Pat. No. 6,641,137; which is a continuation of application Serial Number 09/813,513, filed on March 20, 2001, now Pat. No. 6,419,225; which is a continuation of application Serial Number 09/128,960, filed on August 4, 1998, now Pat. No. 6,203,009; which is a continuation-in-part of application Serial Number 08/649,821, filed on May 17, 1996, now Pat. No. 5,788,230. Priority under 35 U.S.C. § 120 is claimed with regard to said prior applications."

2. THE SURCHARGE

Enclosed herewith is payment made in the amount of \$1370.00 as required by § 1.17 (t) for "Acceptance of an unintentionally delayed claim for priority".

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3. **STATEMENT THE ENTIRE DELAY UNINTENTIONAL**

I, Randy A. Gregory, attorney of record hereby state that the entire delay between the date the above claim of priority was due under paragraph (a)(2)(ii) of 37 CFR 1.78 and the date the claim was filed was unintentional.

Declaration

The undersigned, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom, declares that all statements made on the basis of knowledge are true; and all statements made on the basis of information and belief are believed to be true. The undersigned is authorized to execute this document.

Date: Nov. 16, 2005

Signature: Randy A. Gregory

Name: Randy A. Gregory

Title: Attorney of Record
Reg. No. 30,386

REMARKS

Despite applicant's belief that the Office recognized its priority claim and a petition and surcharge are not required to correct its priority claim, this Petition To Accept Unintentionally Delayed Benefit Claim has been filed with the Commissioner for Patents because of uncertainty about how the Office treats a situation such as this.

The priority claim was acknowledged both in the Filing Receipt and in the Patent Application Publication (which was published prior to the normal 18 month period). However, the information related to the priority claim was not specifically presented in a single reference. The priority claim was in-part in the Utility Patent Application Transmittal letter (Attachment 1 hereto), and in-part in the referenced co-pending application, now Patent Number 6,896,259 (Attachment 2.1 and 2.2 hereto).

Applicant files this petition as a secondary precaution even though it is not believed necessary. The portion of the above amendment which relates to the complete list of prior applications which are expressly referenced in Application No. 10/704,525 (now Pat. No. 6,896,259).

It is clear that the reference to Application No. 10/704,525 is correctable without a petition or surcharge by amendment of the specification. It is believed that the remainder of the continuity chain may be corrected without a petition and the payment of the surcharge. Out of an abundance of caution, and though it should not be required, this Petition has been filed and the surcharge has been paid related to the portion of the continuity chain referenced in Application No. 10/704,525 (now Pat. No. 6,896,259).

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Given the corrected priority claim presented, payment of the surcharge fee, and the statement of unintentional delay, approval of this Petition is requested.

Respectfully Submitted,

Date: _____

Randy A. Gregory, Reg. No. 30,386

Enclosures: Check for the Surcharge set forth in § 1.17(t)
Attachment 1 - Utility Patent Application Transmittal letter
Attachment 2.1 - Application No. 10/704,525 - First Paragraph of
Specification
Attachment 2.2 - U.S. Pat. No. 6,896,259 - Cover Page

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PTO/SB/05 (06-03)

Approved for use through 07/31/2003, OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	FL12-057
	First Inventor	Randy D. Sines
	Title	Drop Gaming Machine with Varying Symbol Scoring...
	Express Mail Label No.	EU964150634

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
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1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 30]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
5. Oath or Declaration [Total Sheets 2]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Reader Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: check # 3179 for \$425

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 10/704,525

Prior application information: Examiner Unknown Art Unit: 3711
For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: 39279 OR ☐ Correspondence address below

Name	Randy A. Gregory				
Address	Gregory Law Office				
	P. O. Box 31090				
City	Spokane	State	WA	Zip Code	99223-3018
Country	USA	Telephone	509/245-3178	Fax	509/245-3159
Name (Print/Type)	Randy A. Gregory	Registration No. (Attorney/Agent)	30,386		
Signature	<i>[Signature]</i>	Date	3-1-04		

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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UNITED STATES PATENT AND TRADEMARK OFFICE

ATTACHMENT 2

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/791,159	03/01/2004	3711	385	FL12-057	6	5	2

CONFIRMATION NO. 3431

39279

GREGORY I.P. LAW

P.O. BOX 31090

SPOKANE, WA 99223-3018

FILING RECEIPT



OC000000012773383

Date Mailed: 05/26/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Randy D. Sines, Spokane, WA;

Domestic Priority data as claimed by applicant

This application is a CIP of 10/704,525 11/04/2003

Foreign Applications

If Required, Foreign Filing License Granted: 05/25/2004

Projected Publication Date: 05/05/2005

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Drop gaming machine with varying symbol scoring zones and automatic bias prevention

Preliminary Class